

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

In re WYTHE BERRY FEE OWNER LLC,

23-CV-9358 (DEH)

ORDER

WYTHE BERRY FEE OWNER LLC,

Plaintiff(s),

v.

WYTHE BERRY LLC, YOEL GOLDMAN  
and ZELIG WEISS,

Defendant(s).

DALE E. HO, United States District Judge:

The above-captioned bankruptcy appeal has been assigned to me for all purposes. The appeal was docketed in the District Court in New York on October 24, 2023. Rule 8009 of the Federal Rules of Bankruptcy Procedures (“FRBP”) requires appellant to file “a designation of the items to be included in the record on appeal and a statement of the issues to be presented.” Among other requirements, Rule 8009 provides that within 14 days after being served, the appellee may file with the bankruptcy clerk and serve on the appellant a designation of additional items to be included in the recorded. The time limits set forth in Rule 8009 are adopted as the Order of this Court.

FRBP Rule 8018 provides for the dates within which briefs are to be served and filed. Under Rule 8018, appellant has 30 days after the docketing of notice that the record has been transmitted or is available electronically to file its opening brief. Appellee must serve and file its brief within 30 days after service of appellant’s brief. Appellant may serve and file a reply brief within 14 days after the service of the appellee’s brief. The filing of appellate briefs is not e

excused in this case. The time limits set forth in Rule 8018 are adopted as the Order of this Court.

Counsel are additionally directed to review and comply with the Court's Individual Rules and Practices in Civil Cases (available at the Court's website, <https://nysd.uscourts.gov/hon-dale-e-ho>). Failure to comply with those Rules, this Order, and/or the time limits outlined by the FRBP will result in dismissal of the appeal (in the case of the appellant) or consideration of the appeal without an appellee's brief (in the case of the appellee).

SO ORDERED.

Dated: November 16, 2023  
New York, New York



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DALE E. HO  
United States District Judge